

10/24/2007 16:59 FAX 516 357 8111

SIMMONS, JANNACE & STAGG.

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SULLIVAN, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

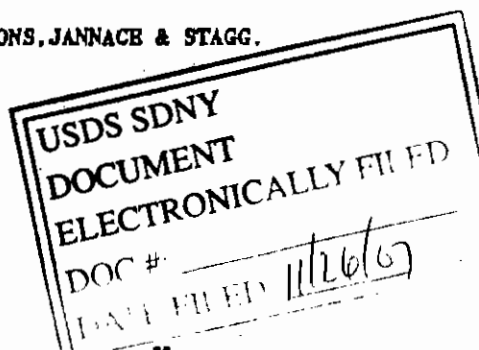
JANET SIMMONS,

Plaintiff,

-against-

SEARS-KMART STORES, INC.,

Defendants.



Civil Action No:
07-8395 (JS) (MS) (JS)

STIPULATION

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IT IS HEREBY STIPULATED AND AGREED, by and between JOEL M. BACHER, ESQ., attorney for plaintiff JANET SIMMONS, and SIMMONS, JANNACE & STAGG, L.L.P., attorneys for defendants KMART CORPORATION s/h/a SEARS-KMART STORES, INC. ("Kmart"), that the plaintiff's damages, including but not limited to, pain and suffering, personal injury, medical expenses, loss of earnings and/or any other special damages relating to the alleged accident of September 18, 2004, which forms the basis of this lawsuit, shall not exceed the sum of SEVENTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$74,900.00), and that plaintiff shall hold Kmart harmless from any and all liens, expenses, costs, fees or other obligations, concerning, associated with or relating to plaintiff's care and treatment, medical or otherwise, and any related damages, now known or unknown, existing currently, or which may arise in the future as a result of the claims arising from the above-captioned matter, and that any claim for damages contained in plaintiff's Complaint is hereby forever reduced to the sum of SEVENTY-FOUR THOUSAND NINE DOLLARS (\$74,900.00).

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IT IS HEREBY FURTHER STIPULATED AND AGREED, that in exchange for the above, Kmart hereby consent to the remand of this matter from the United States District Court to the Supreme Court of the State of New York, County of New York.

IT IS HEREBY FURTHER STIPULATED AND AGREED, a facsimile copy of this Stipulation shall be deemed an original.

Dated: Syosset, New York
October 24, 2007

SIMMONS, JANNACE & STAGG, L.L.P. JOEL M. BACHER, ESQ.

BY:


Marvin N. Romero

BY:


Joel M. Bacher

Attorneys for Defendant
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KMART STORES, INC.
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SO ORDERED:


U.S.D.J.